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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**'08 MJ 8768**

UNITED STATES OF AMERICA,

Plaintiff,

v.

David Leonardo ARCE

Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960

Importation of a Controlled Substance  
(Felony)

The undersigned complainant being duly sworn states:

That on or about August 24, 2008, within the Southern District of California, defendant David Leonardo ARCE, did knowingly and intentionally import approximately 26.15 kilograms (57.53 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

*Mathew Kelley*

Mathew Kelley, Special Agent  
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25TH DAY  
OF AUGUST, 2008.

  
PETER C. LEWIS  
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

v.

2 David Leonardo ARCE

3 STATEMENT OF FACTS

4 This complaint is based on the personal observations,  
5 investigation and information provided to Immigration & Customs  
6 Enforcement Special Agent Mathew Kelley.

7 On August 24, 2008, at approximately 1953 hours, David  
8 Leonardo ARCE (ARCE) entered the United States at the Calexico,  
9 California, East Port of Entry. ARCE was the driver and sole  
10 occupant of a 2001 Blue Ford Focus.

11 ARCE advised Customs and Border Protection Officer (CBPO)  
12 Ayala the purpose of his trip to Mexico was to drop off his  
13 father. ARCE also stated the vehicle he was driving was his and  
14 that he purchased it approximately three weeks prior. A negative  
15 Customs declaration was given by ARCE. CBPO Ayala noticed that  
16 ARCE's voice was trembling and he would avoid eye contact. CBPO  
17 Ayala referred ARCE to the vehicle secondary lot.

18 Canine Enforcement Officer (CEO) Price was on his way to the  
19 pre-primary lanes as ARCE was referred to vehicle secondary. CEO  
20 Price's narcotic detector dog alerted to the presence of  
21 narcotics within the Ford Focus as ARCE was driving it to the  
22 vehicle secondary.

23 During secondary inspection, a negative Customs declaration  
24 was received by CBPO Barnes. ARCE then stated that he was  
25 returning from dropping off his father at the airport. During  
26 the interview CBPO Barnes noticed that ARCE was avoiding eye  
27 contact.

28 A search of the vehicle resulted in the discovery of a  
29 specially built compartment in the front bumper of the vehicle.

1 Discovered was a total of twelve (12) packages within the  
2 compartment. One of the packages was probed producing a green  
3 leafy substance, which field-tested positive for marijuana. The  
4 12 packages had a combined net weight of approximately 26.15  
5 kilograms (57.53 pounds).

6 ARCE was placed under arrest and advised of his Miranda  
7 Rights. ARCE then stated, "What can I say, I got put in a  
8 corner, my girl kicked me out, I lost my job and had no place to  
9 stay, what can I say?"  
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